

U.S. Patent Application No. 09/589,822  
Reply to Office Action dated February 9, 2006

PATENT  
450108-4457.1

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**IN THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims**

1-7. (Canceled)

8. (Previously Presented) A data multiplexing device comprising:  
a plurality of buffer memories which store a plurality of packet data strings constituting a plurality of data elements;  
a multiplexing means which has a switch means for switching said buffer memories and which time-division multiplexes said plurality of packet data strings to provide an output by sequentially time-division switching said buffer memories with said switch means, and  
a switch control means which selects, according to an input rate for said packet data strings, said plurality of buffer memories switchable by said switch means,  
wherein the input rate is a bit rate used as an index in reference to an amount of encoded bits generated by an encoding controller.

9. (Original) A data multiplexing device according to claim 8, wherein said switch control means switchably controls said switch means to exclude a buffer memory for buffering lower priority information among said plurality of buffer memories, when said input rate is higher than a reference rate.

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10. (Previously Presented) A data multiplexing device according to claim 9, wherein said switch control means determines packet data containing Entitlement Management Message data to be lower priority information and excludes a buffer memory for buffering said packet data containing said Entitlement Management Message data among said switchable buffer memories.

11. (Previously Presented) A data multiplexing device according to claim 10, wherein said switch control means excludes, in addition to said buffer memory for buffering said packet data containing said Entitlement Management Message data, a buffer memory for buffering packet data containing Program Guide data among said switchable buffer memories, when said input rate is still higher than said reference rate after said buffer memory for buffering said packet data containing said Entitlement Management Message data has been excluded.

12-122. (Canceled)